UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA et al.,	)	
Plaintiffs,	)	
v.	)	Civil No. 21-11558-LTS
AMERICAN AIRLINES GROUP INC. and JETBLUE AIRWAYS CORPORATION,	)	
Defendants.	)	

ORDER ON MOTION TO DISMISS (DOC. NO. 67)

June 9, 2022

SOROKIN, J.

The plaintiffs in this action[1] assert that a set of agreements between American Airlines Group Inc. ("American") and JetBlue Airways Corporation ("JetBlue") constitute "an unprecedented and anticompetitive pact" that violates Section 1 of the Sherman Act. They support this assertion with eighty-seven paragraphs of factual allegations spanning thirty-three pages in their Complaint, to which three appendices of market data are attached. Doc. No. 1.[2] American and JetBlue ask the Court to dismiss the Complaint, arguing the plaintiffs "have failed to plead the necessary elements of their federal antitrust claim." Doc. No. 67 at 1. In particular, American and JetBlue challenge the sufficiency of the plaintiffs' allegations of anticompetitive effects and market power. Id.; see generally Doc. No. 68. The parties have thoroughly and

[1] The plaintiffs are the United States, Arizona, California, the District of Columbia, Florida, Massachusetts, Pennsylvania, and Virginia.
[2] Citations to "Doc. No. __ at __" reference items appearing on the court's electronic docketing system, and pincites are to the page numbers in the ECF header.

helpfully briefed the issues raised by the pending motion, and the Court has carefully reviewed the parties' submissions. Doc. Nos. 67, 68, 69 (including its attachments), 80, 81.

Upon consideration of the record before the Court and applying the well-known standards governing motions under Rule 12(b)(6), the Motion to Dismiss (Doc. No. 67) is DENIED. The Complaint alleges—plausibly and in a manner that is neither conclusory nor threadbare—that the alliance at issue between American and JetBlue is likely to harm competition in the relevant markets, and that American and JetBlue control a significant share in an already concentrated market. E.g., Doc. No. 1 ¶¶ 9-12, 26-27, 49-75. Whether the plaintiffs will prevail on their claims presents a question for trial, not the pending motion to dismiss, and is a matter upon which the Court takes no position. Other issues raised within the motion papers—including, but not limited to, the appropriate definition of the New York market, and whether and to what extent the alliance will have procompetitive effects that would not be achievable absent the relevant agreements—are appropriately resolved later in the proceedings, with the benefit of a fuller factual record.

SO ORDERED.

/s/ Leo T. Sorokin
United States District Judge